



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Seamount International Association Ltd.,

No. 06 Civ. 5648 (LTS)

Petitioner(s),

-against-

ORDER

Kuehne & Nagel Ltda.,

Respondent(s).

LAURA TAYLOR SWAIN, DISTRICT JUDGE:

A petition to compel arbitration having been filed with the Court pursuant to 9 U.S.C. § 4, it is hereby

1. ORDERED that counsel¹ for Petitioner(s) shall serve a copy of this Order on each Respondent within ten (10) calendar days following the date of this order, and that a copy of this Order shall also be served with any subsequent process that brings in additional parties, and that proof of such service shall be filed with the Court promptly. It is further
2. ORDERED that Petitioner(s) shall file promptly with the Court proof of service of the subject petition. It is further
3. ORDERED, that in the event Respondent(s) fail(s) to file and serve a timely response to the petition and does not consent affirmatively to grant of the relief sought therein, Petitioner shall promptly serve on Respondent(s) and file with the Court, with a courtesy copy provided to chambers of the undersigned, a written application for an order directing the parties to proceed with arbitration. Such application shall include:
 - a. An affidavit confirming that the petition was timely filed and served;
 - b. The terms of the written agreement to arbitrate; and
 - c. Proof of the prior demand to arbitrate in accordance with the agreement.

Petitioner shall promptly file proof of service of the application.

4. ORDERED that any response(s) to such application shall be served and filed in accordance with Local Civil Rule 6.1(b). It is further

¹ As used in this Order, the term "counsel" shall, in the case of an individual party who is proceeding pro se, mean such party.

5. ORDERED that, in the event Respondent serves and files opposition to the petition, or Petitioner fails to file and serve the application described above, a conference shall be held in the above-captioned matter on **August 24, 2006 at 10:00 a.m.** in Courtroom No. 17C², 500 Pearl Street, New York, New York 10007. It is further
6. ORDERED that counsel for the parties confer preliminarily at least ten (10) days prior to the date set forth in paragraph 5 above to discuss the following matters:
 - a. Contested and uncontested legal issues;
 - b. Consensual resolution of all or some of the contested issues;
 - c. Whether each party consents to resolution of this matter by a magistrate judge; and
 - d. Any anticipated further submissions and a proposed timetable therefor.
 - e. Settlement.

It is further
7. ORDERED that counsel shall be prepared to discuss the foregoing at the conference, as well as whether mediation may be helpful in resolving this case. It is further
8. ORDERED that counsel attending the conference shall seek settlement authority from their respective clients prior to such conference. If counsel is not granted such authority, the client must be present in person or available by telephone so that a settlement can be consummated if possible. "Settlement authority," as used herein, includes the power to enter into stipulations and make admissions regarding all matters that the participants may reasonably anticipate discussing at the conference including, but not limited to, the matters enumerated in the preceding paragraphs.
9. In the event that any party fails to comply with this Order, the Court may impose sanctions or take other action as appropriate. Such sanctions and action may include assessing costs and attorneys' fees, denying the petition, and/or the imposition of other appropriate penalties.
10. This case has been designated an electronic case. By the date of the initial conference counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing.

IT IS SO ORDERED.

Dated: New York, New York
July 27, 2006



LAURA TAYLOR SWAIN
United States District Judge

² On the day of the conference, check the electronic board in the lobby to be certain of the proper courtroom.